

1  
2 UNITED STATES DISTRICT COURT.  
3 EASTERN DISTRICT OF NEW YORK

4 THOMAS M. MOROUGHAN,

5 Plaintiff,

6 -against-

7 THE COUNTY OF SUFFOLK, SUFFOLK COUNTY  
8 POLICE DEPARTMENT, SUFFOLK DETECTIVES  
9 RONALD TAVARES, CHARLES LESER, EUGENE  
10 GEISSINGER, NICHOLAS FAVATTA, and ALFRED  
11 CICCOTTO, DETECTIVE/SGT. WILLIAM J. LAMB,  
12 SGT. JACK SMITHERS, SUFFOLK POLICE  
13 OFFICERS WILLIAM MEANEY, ENID NIEVES,  
14 CHANNON ROCCHIO and JESUS FAYA and SUFFOLK  
15 JOHN DOES 1-10, THE COUNTY OF NASSAU, NASSAU  
16 COUNTY POLICE DEPARTMENT, SGT. TIMOTHY  
17 MARINACI, DEPUTY CHIEF OF PATROL JOHN HUNTER,  
18 INSPECTOR EDMUND HORACE, COMMANDING OFFICER  
19 DANIEL FLANAGAN, DETECTIVE/SGT. JOHN  
20 DEMARTINIS, NASSAU POLICE OFFICERS ANTHONY  
21 DILEONARDO, EDWARD BIENZ and JOHN DOES 11-20,

22 Defendants.

23  
24 333 Earle Ovington Boulevard  
25 Uniondale, New York

January 20 & 21, 2015  
9:50 a.m.

26  
27 EXAMINATION BEFORE TRIAL of  
28 THOMAS MOROUGHAN, the Plaintiff herein,

1  
2 taken by Defendants pursuant to Court  
3 Order, held at the above mentioned time  
4 and place, before Rich Moffett, a Notary  
5 Public of the State of New York.  
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23 Rich Moffett Court Reporting, Inc.  
24 114 Old Country Road, Suite 630  
25 Mineola, New York 11501  
516-280-4664

A P P E A R A N C E S:

LAW OFFICE OF ANTHONY GRANDINETTE

Attorney for Plaintiff

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Mineola, New York 11501

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MERIL FISCH, ESQ.

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Hauppauge, New York 11788

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COUNTY OF NASSAU

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BY: CHRISTOPHER D. CLARKE, ESQ.

ROBERT SCIBETTI, ESQ.

(CONTINUED)

1  
2  
3 CONGDON, FLAHERTY, O'CALLAGNAN, REID,  
4 DONLON, TRAVIS & FISCHLINGER  
5 Attorneys for Defendant,  
6 DEPUTY CHIEF OF PATROL JOHN HUNTER

7 The Omni  
8 333 Earle Ovington Boulevard  
9 Uniondale, New York 11553

10 BY: FRANK SCHROEDER, ESQ.  
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F E D E R A L      S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED  
by and between the counsel for the respective  
parties hereto, that the filing, sealing, and  
certification of the within deposition shall  
be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form  
of the question, shall be reserved to the  
times of the trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed  
before any Notary Public with the same force  
and effect as if signed and sworn to before  
this court.

Thomas M. Moroughan

THOMAS M. MOROUGHAN, called as a  
witness, having been duly sworn by a  
Notary Public, was examined and  
testified as follows:

\* \* \*

EXAMINATION BY

MR. MITCHELL:

Q Please state your full name for  
the record.

A Thomas M. Moroughan.

Q What is your address?

A [REDACTED]  
[REDACTED].

Q Good morning, Mr. Moroughan.

A Good morning.

Q My name is Brian Mitchell. I'm  
an Assistant County Attorney in Suffolk  
County.

Today I am going to you ask you  
some questions about an Amended Complaint,  
basically a lawsuit that you have filed  
against members of the Suffolk County Police  
Department as well as some members of the  
Nassau County Police Department and also

1 Thomas M. Moroughan

2 against essentially the County itself, Suffolk  
3 County itself.

4 Okay?

5 A Okay.

6 Q We've met before, correct?

7 A Yes.

8 Q Do you recall the time we met  
9 when I did what was called a 50H examination?

10 A Yes.

11 Q And you recall it was similar to  
12 this, perhaps not in such a nice room --

13 A (Laughing.)

14 Q -- but it was where I asked you  
15 some questions and you gave me some answers  
16 under oath?

17 A Yes.

18 Q And that was in relation to  
19 something called a Notice of Claim. You may  
20 not know that. But do you recall that?

21 A Yes.

22 Q What I am going to do today is to  
23 move things along I may just ask you about  
24 some things from the date of that examination  
25 up until today.



1 Thomas M. Moroughan

2 A Okay.

3 Q Because I covered some things  
4 before that date at the 50H.

5 Okay?

6 A Yes.

7 Q And -- but I may still go back  
8 and talk about some things we did talk about  
9 then.

10 Okay?

11 A Okay.

12 Q The date of the 50H examination,  
13 you may not remember it. But if I say  
14 July 28th of 2011, does that refresh your  
15 recollection about when it happened, when we  
16 did the examination?

17 A I know it was in July.

18 Q Okay.

19 I'm just going to real quickly go  
20 over some ground rules that I did at that  
21 time, but just for your benefit.

22 The first is that all your  
23 answers have to be verbal. Okay?

24 A Yes.

25 Q The other is that if I ask you a



1 Thomas M. Moroughan

2 question and you don't understand it, please  
3 let me know. I'll rephrase it.

4 Okay?

5 A Okay.

6 Q If I ask you a question and you  
7 answer the question, I'm going to presume that  
8 you understood it.

9 Okay?

10 A Yes.

11 Q If you need to take a break for  
12 any reason, I certainly don't object, other  
13 lawyers in the room may have a difference in  
14 opinion, but as far as I'm concerned, if you  
15 need to take a break, just let me know;  
16 however, all I ask is that if there's a  
17 question pending, meaning I've asked you a  
18 question, that you answer the question and  
19 then we take the break.

20 Okay?

21 A Okay.

22 Q Mr. Moroughan, your address you  
23 gave today was [REDACTED]; am I right?

24 A Yes.

25 Q Is that -- is that the place

1 Thomas M. Moroughan

2 you've been living since July 20th of 2011?

3 A Yes.

4 Q Okay. So you've been living at  
5 that same place since that day, up until  
6 today?

7 A Yes.

8 Q In between July 28th, 2011 and  
9 today did you live anywhere else?

10 A No.

11 Q At the time of the 50H  
12 examination in July of 2011 you were working  
13 for a cab company; am I right?

14 A Yes.

15 Q But it was not the Dobro Taxi  
16 Company?

17 A No.

18 Q It was a different taxi company?

19 A Yes.

20 Q What was the name of that taxi  
21 company?

22 A Orange & White Taxi.

23 Q Are you still working for them?

24 A Yes.

25 Q Have you been working for Orange

1 Thomas M. Moroughan

2 & White Taxi consistently since July of 2011?

3 A No.

4 Q Did you work for anybody else in  
5 between that time?

6 A Yes.

7 Q Who did you work for in between?

8 A I worked for Klis Brothers,  
9 K-L-I-S, Brothers. They are located in East  
10 Northport, New York, on Jericho Turnpike. I  
11 don't remember the exact number. I was  
12 driving a tow truck for them.

13 Q Okay. And if you can tell me,  
14 from July 2011 you were working for Orange &  
15 White?

16 A Yes.

17 Q How long after that did you stop  
18 working for Orange & White?

19 A Don't remember the date. It was  
20 sometime in 2012.

21 Q Okay. So is it fair to say you  
22 worked at Orange & White through the end --  
23 through 2011 into 2012 sometime?

24 A Yes.

25 Q Then did you go and work for Kris

1 Thomas M. Moroughan

2 right away? Did I say that right, "Kris"?

3 A K-L, Klis.

4 Q Did you go and work for them  
5 right away after leaving Orange & White?

6 A Yes.

7 Q There was one thing I meant to  
8 mention. It is just human nature. Please let  
9 me finish my question before you answer.  
10 That's for this gentleman's benefit. I will  
11 endeavor to allow you to finish your answer  
12 before I ask you another question. Okay?

13 A Okay.

14 Q Can you tell me why it was you  
15 left Orange & White to then go and work at  
16 Klis?

17 A I wanted to do something  
18 different that was more financially  
19 beneficial, as well as driving -- driving a  
20 cab was old.

21 Q Okay.

22 A For lack of a better word.

23 Q You weren't -- when you left  
24 Orange & White it wasn't under any adverse  
25 circumstances?

1 Thomas M. Moroughan

2 A No.

3 Q You weren't fired?

4 A No.

5 Q Okay.

6 How long did you work at the tow  
7 truck company?

8 A I would say about six months.

9 Q Okay. Was it steady work?

10 A Yes.

11 Q 40 hours a week, a little more?

12 A A little bit more.

13 Q Just in general, a round number,  
14 about how much did you make a week?

15 A I think around 550.

16 Q Was that -- did that number  
17 remain pretty consistent throughout the time  
18 that you worked there at the tow truck  
19 company?

20 A Yes.

21 Q There came a time that you  
22 stopped working for the tow truck company?

23 A Yes.

24 Q Can you tell me why it was you  
25 stopped working for the tow truck company?

1 Thomas M. Moroughan

2 A I had an SUV come really, really  
3 close to my tow truck when I was hooking up on  
4 the LIE. It scared me. I realized that it  
5 wasn't worth the pay that I was making.

6 Q So the job itself you thought was  
7 dangerous?

8 A Yes.

9 Q And how long had you been working  
10 at the tow truck company in total from when  
11 you started until when that event occurred?

12 A About six months.

13 Q Now, you mentioned that the car  
14 driving by you scared you. Did you relate  
15 that to your superior at the tow truck  
16 company?

17 A I might have.

18 Q In other words --

19 A I just put in my two weeks' and I  
20 finished out so I didn't leave on bad terms.

21 Q And after that you go back to  
22 Orange -- is it Orange & White Taxi?

23 A Yes. Yes.

24 Q And about when was that, that you  
25 went back to Orange & White Taxi?



1 Thomas M. Moroughan

2 A The end of the summer of the same  
3 year. 2012. So probably like August.

4 Q Okay. Did you kind of go from  
5 one to the other, from the tow truck company  
6 to Orange & White?

7 A Yes.

8 Q Called the boss at Orange & White  
9 and said: Can I come back?

10 A Yes.

11 Q And you've been working there  
12 since then?

13 A No.

14 Q Tell me about how that worked --

15 A I left there beginning of last  
16 year, of 2014. I went to Islandwide Taxi as a  
17 mechanic and dispatcher. And I left there at  
18 the end of -- end of December of this past  
19 year.

20 Q And can you tell me the reason  
21 why you went from Orange & White to  
22 Islandwide? Tell me about when you left one  
23 and went to the other; what was the reason for  
24 that?

25 A I was interested in auto



1 Thomas M. Moroughan

2 mechanics and they were willing to give me a  
3 shot.

4 Q Okay. Can you tell me why you  
5 left Islandwide and went back with Orange &  
6 White?

7 A They -- Islandwide asked me to  
8 dispatch instead. And I agreed. I was  
9 dispatching maybe two weeks and I didn't -- I  
10 hated being stuck in an office for 12 hours.

11 Q Okay. So in other words, you  
12 didn't -- they didn't allow you to continue to  
13 do the mechanic work?

14 A Yes.

15 Q And then you left Islandwide and  
16 went back to Orange & White?

17 A And that is where I currently am.

18 Q And currently with Orange &  
19 White, around how many hours a week do you  
20 work?

21 A Somewhere around 50.

22 Q Again, can you give me a general  
23 idea how much you make in a week?

24 A That's -- varies.

25 Q It varies?

1 Thomas M. Moroughan

2 A Very much so.

3 Q Can you give me what the low end  
4 would be and what your high end would be?

5 A I would say my low end is  
6 probably about \$400 and my high end is  
7 probably somewhere around 650, 700.

8 Q Is there any type of pay  
9 structure? Do you get paid by the hour? Does  
10 it have to do with the fare? What's that all  
11 about?

12 A It has to do with the fare.

13 Q Can you explain that?

14 A 50/50 split of all the fares.  
15 Plus I pay sales tax for leasing the vehicle  
16 at 13.75 percent, I believe. And I also pay  
17 for the gas.

18 Q Okay. And is there any  
19 particular type of vehicle that you drive now  
20 with Orange & White?

21 A It's either a Crown Victoria or a  
22 Lincoln Town Car.

23 Q When you worked -- at the time of  
24 the claim -- just for clarification -- if I'm  
25 right, at the time of the claim -- the event

1 Thomas M. Moroughan

2 of the claim was February 27, 2011?

3 A Yes.

4 Q And I just want to clarify that  
5 some of the things happened right after  
6 midnight or in the early hours after midnight  
7 as part your claim, right?

8 A Yes.

9 Q Was that the 26th into the  
10 27th --

11 A Yes.

12 Q -- or the 27th into the 28th?

13 A Sorry.

14 It was the 26th into the 27th.

15 Q And at the time of the claim you  
16 were working for Dobro Taxi, right?

17 A Yes.

18 Q You were driving a Prius; is that  
19 right?

20 A Yes.

21 Q Toyota Prius; is that right?

22 A Yes.

23 Q After leaving Dobro Taxi, with  
24 any of the other taxi companies that you have  
25 mentioned have you ever driven a Prius with

1 Thomas M. Moroughan

2 those companies?

3 A No.

4 Q Is it fair to say that the last  
5 time that you drove a Prius as a taxi driver  
6 was with Dobro?

7 A Yes.

8 Q Other than as a taxi driver,  
9 between the time of the claim and today have  
10 you driven a Prius at all?

11 A No.

12 Q Mr. Moroughan, since July of  
13 2011, your 50H examination, have you been  
14 under the care of any physician at all?

15 A Yes.

16 Q What kind of physician have you  
17 been under the care of?

18 A Primary care physician. I'm a  
19 diabetic.

20 Q Other than treatment for your  
21 diabetes have you received any medical care  
22 from any medical professional for things other  
23 than your diabetes?

24 A Do you mean like medical or do  
25 you mean mental?

1 Thomas M. Moroughan

2 Q No, physically/medically.

3 A No, I don't believe so.

4 Q Since July of 2011 have you  
5 received any type of medical treatment,  
6 physical medical treatment for any of the  
7 injuries that you suffered on -- on  
8 February 27th of 2011?

9 A Not as of yet.

10 Q What do you mean by "not as of  
11 yet"?

12 A I have an appointment for an ENT  
13 on February 11th to have my nose looked at.

14 Q Okay.

15 What led you to set up that  
16 appointment?

17 A I've had a lot of sinus  
18 infections. And my fiancée keeps complaining  
19 about my snoring.

20 Q When was it that she first  
21 started complaining about your snoring?

22 A Probably a while ago.

23 Q Do you know if it was after July  
24 of 2011, the last time I spoke to you?

25 A Probably.

1 Thomas M. Moroughan

2 Q Or was it before then?

3 A I think she might have mentioned  
4 that I snore more probably before that.

5 Q Okay.

6 Before February 27, 2011 did you  
7 have any trouble with sinus infections or  
8 trouble breathing, anything like that?

9 A Nothing out of the normal.

10 Q Did you ever receive medical  
11 treatment for something like that, sinus  
12 infection or trouble breathing, from a medical  
13 professional, before February 27th, 2011?

14 A Regular head colds. I might have  
15 been on antibiotics for colds or something,  
16 but it wasn't as common.

17 Q Okay.

18 Now, since July of 2011, last  
19 time we spoke, have you received any  
20 treatment from any type of mental health  
21 professional: Psychiatrist, psychologist,  
22 social worker, anything like that?

23 A Yes.

24 Q And when after July of 2011 did  
25 you first start seeking treatment from a



1 Thomas M. Moroughan

2 mental health professional?

3 A I want to say about six or seven  
4 months ago.

5 Q Here we are in January of 2015.  
6 Sometime --

7 A Uh-huh.

8 Q -- maybe in spring or summer of  
9 2014?

10 A Yes.

11 Q Do you know the name of the  
12 person you went to go see?

13 A Yes. It's actually through a  
14 group, Pederson-Krag. Located at 55 Horizon  
15 Drive in Huntington. P-E-D-E-R-S-O-N.

16 And I see a therapist there named  
17 Sylvia Freed and a psychiatrist there,  
18 Dr. Mitra.

19 Q Do you know how to spell that?

20 A M-I-T-R-A, I believe.

21 Q How many -- if you could give me  
22 an idea, since you first started going, up  
23 until today, how often you go to see those  
24 persons?

25 A The therapist, Ms. Freed, I see



Thomas M. Moroughan

her on a weekly basis.

And Dr. Mitra, I see him  
sometimes monthly. Sometimes bimonthly.

Q Do either of those persons  
prescribe you any type of medication?

A Yes.

Q Can you tell me which one?

A Dr. Mitra.

Q Is Dr. Mitra a man or a woman?

A Man.

Q Does Dr. Mitra -- what kind of  
medication does Dr. Mitra prescribe to you?

A Right now I'm on Zoloft and  
Clonazepam, I believe the name of it is.

Q Is that something that you take  
every day?

A The Zoloft I take twice a day.  
The Clonazepam is as needed for anxiety.

Q Can you tell me, today did you  
take Zoloft?

A This morning, yes.

Q Does that have any effect on your  
ability to understand what I'm saying to you  
today?

1 Thomas M. Moroughan

2 A No.

3 Q You can think clearly?

4 A Yes.

5 Q You've understood the questions I  
6 asked you up until now?

7 A Yes.

8 Q You're familiar with where we  
9 are?

10 A Yes.

11 Q Your lawyer's office?

12 A Yes.

13 Q You are aware of the -- that  
14 certain persons here are lawyers and we have a  
15 person who is a court reporter?

16 A Yes.

17 Q Okay.

18 The Clonazepam -- is that how you  
19 say it?

20 A Yes.

21 MR. MITCHELL: Let the record  
22 reflect that the witness turned and  
23 looked at his lawyer and rolled his  
24 eyes. I don't know what about, but it  
25 is just something I do as a lawyer.

1 Thomas M. Moroughan

2 MR. GRANDINETTE: I didn't notice  
3 that, but I'll take your word on it.

4 MR. MITCHELL: I don't know what  
5 it means either, I just always do that.

6 BY MR. MITCHELL:

7 Q The Clonazepam -- is that how you  
8 say it?

9 A Yes.

10 Q When I said looked at his lawyer,  
11 not Mr. Grandinette, his assistant, Ms. --

12 MS. FISCH: Fisch.

13 MR. MITCHELL: Fisch, thank you.

14 Q Clonazepam?

15 A Yes.

16 Q Can you tell me the last time you  
17 took that one?

18 A Maybe two or three days ago.

19 Q Was that first prescribed, the  
20 Clonazepam, when you first started going to  
21 Pederson-Krag?

22 A Yes.

23 Q When was the first time that was  
24 prescribed to you?

25 A Last week.

1 Thomas M. Moroughan

2 Q That's to take on an as-needed  
3 basis?

4 A Yes.

5 Q And since you had it prescribed,  
6 how many times have you taken it?

7 A Twice.

8 Q And Mr. Moroughan, prior to July  
9 of 2011, when we last met, you'd agree with me  
10 prior to that date you had not seen any type  
11 of mental health professional, correct?

12 A Correct.

13 Q Pederson-Krag, is that a place  
14 that some people go for some type of addiction  
15 treatment, if you know?

16 A It does both, yes.

17 Q Are you there for any type of  
18 treatment for any type of addiction?

19 A No.

20 MR. MITCHELL: Mr. Grandinette,  
21 I'll will follow this up with a letter,  
22 but we would just ask for HIPPA release  
23 forms so that we could get the records  
24 from his treatment from Pederson-Krag.

25 MR. GRANDINETTE: Sure. I'm sure

1 Thomas M. Moroughan  
2 you'll be sending me a demand  
3 afterwards.

4 MR. MITCHELL: I don't know.

5 MR. CLARKE: Respectfully, if the  
6 treatment he is receiving there is in  
7 any way related to any claims in this  
8 case, those should have been voluntarily  
9 disclosed before today.

10 I don't know if counsel didn't  
11 know about it. But this is the first  
12 time I am hearing of it. I have read  
13 the file that the County Attorney had.

14 I'm reserving my rights to  
15 continue this deposition once I get  
16 those records and have an opportunity to  
17 review them. Your office should have  
18 disclosed this before today.

19 MR. SCHROEDER: I join in that  
20 application.

21 ---

22 (Request for Production)

23 ---

24 MR. CLARKE: Rule 26 is pretty  
25 clear on that.

1 Thomas M. Moroughan

2 MR. GRANDINETTE: I don't want to  
3 waste time on this.

4 Whatever your demands were, your  
5 demands were. Whatever you want, simply  
6 ask me for it and obviously we will take  
7 it from there.

8 MR. CLARKE: Rule 26 doesn't  
9 require a demand.

10 MR. GRANDINETTE: I understand  
11 what you have stated on the record. I  
12 don't want to interrupt.

13 MR. CLARKE: Thank you.

14 MR. GRANDINETTE: Take it under  
15 advisement.

16 BY MR. MITCHELL:

17 Q Mr. Moroughan, since July of 2011  
18 have you been arrested at all for anything?

19 A No.

20 Q And since July of 2011 -- in July  
21 of 2011 you mentioned to me something about a  
22 bad check -- I'll use that phrase -- a check  
23 fraud, some kind of fraud involving a check  
24 that was pending in the State of Tennessee.

25 Are you familiar with what I'm



Thomas M. Moroughan

1 talking about?

2 A Yes.

3 Q Is that still pending?

4 A I believe so.

5 Q Okay. Do you know the status  
6 of it?

7 A No.

8 Q Is there a warrant for your  
9 arrest in the State of Tennessee, that you are  
10 aware of?

11 A Not that I'm aware of. I don't  
12 know if anything changed.

13 Q You were aware in July of 2011  
14 that that was pending, right?

15 A Yes.

16 Q That had something to do, I  
17 believe you said your brother-in-law -- there  
18 was somebody involved in printing out a check  
19 on a computer; is that right?

20 A Yes.

21 Q Who was that person?

22 MR. GRANDINETTE: Brian, I am  
23 going to, at this point, assert his  
24 Fifth Amendment privilege on these  
25



1 Thomas M. Moroughan

2 questions.

3 If you want to pursue it, I just  
4 ask that we take a ruling and we take it  
5 from there.

6 ---

7 (Direction Not To Answer; Witness  
8 invokes Fifth Amendment Right.)^

9 ---

10 MR. MITCHELL: That's fine.

11 If I ask him -- fair to say that  
12 if I asked him individual questions  
13 relating to that event, after each  
14 question you would invoke the Fifth  
15 Amendment?

16 MR. GRANDINETTE: Yes.

17 MR. MITCHELL: Is that fair to  
18 say?

19 MR. GRANDINETTE: Fair to say.

20 MR. MITCHELL: And so with that  
21 understanding, I'm going to move  
22 forward, rather than continue to ask him  
23 questions and have you invoke the Fifth.

24 MR. GRANDINETTE: Thank you.

25 BY MR. MITCHELL:

1 Thomas M. Moroughan

2 Q And Mr. Moroughan, other than the  
3 thing in Tennessee, since July of 2011 --  
4 withdraw that question. It was poorly worded.

5 Since July of 2011 -- have you  
6 been convicted of anything, since July of  
7 2011, in any state?

8 A No, sir.

9 Q What we are going to do now,  
10 Mr. Moroughan, I'm going to ask you to take  
11 a look at what has been marked as Respondents'  
12 A.

13 It's the same document I marked  
14 as A in your 50H transcript. It's your Notice  
15 of Claim.

16 If you could take a quick look at  
17 it.

18 ---

19 (County of Suffolk Defendants'  
20 Exhibit A, Notice of Claim, Moroughan  
21 v. County of Suffolk, was marked for  
22 identification)

23 ---

24 MR. CLARKE: Is this the Suffolk  
25 or the Nassau?

1 Thomas M. Moroughan

2 MR. MITCHELL: That's the  
3 Suffolk. I have questions for everyone.

4 This is -- the sticker on there  
5 is from the 50H, but we marked it today  
6 similarly as A.

7 ---

8 (Witness reviews document.)

9 ---

10 BY MR. MITCHELL:

11 Q Have you had a chance to look at  
12 that?

13 A Yes.

14 Q Is that your Notice of Claim --

15 A Yes.

16 Q -- that was filed in this case?

17 A Yes.

18 Q Bear with me one second.

19 Mr. Moroughan, take a look at  
20 what's been marked as Exhibit A. Is that the  
21 Notice of Claim that was filed on your behalf  
22 in this case?

23 A Yes.

24 Q Have you -- when the Notice of  
25 Claim was filed, did you have a chance to look

1 Thomas M. Moroughan

2 at it before it was filed?

3 A Yes.

4 Q And sitting here today looking at  
5 it, is there anything in there that you think  
6 is incorrect or should be changed?

7 A No, sir.

8 Q Is there anything in there that  
9 you -- even something like a typo that you  
10 think is -- you know, maybe has the wrong name  
11 or the wrong date or anything like that?

12 A Not that I noticed.

13 Q Is it true and accurate to the  
14 best of your knowledge?

15 A Yes.

16 MR. MITCHELL: Now, what I'm  
17 going to do, Tony, just to move things  
18 along, only because the Amended  
19 Complaint is of particular length -- my  
20 colleagues obviously may have a  
21 difference of opinion.

22 BY MR. MITCHELL:

23 Q Mr. Moroughan, have you had a  
24 chance to see the Amended Complaint in this  
25 case that was filed on your behalf?

1 Thomas M. Moroughan

2 Did you ever look at that?

3 A You mean the actual lawsuit?

4 Q Yes.

5 A Yes.

6 MR. MITCHELL: What I'm going to  
7 do, Tony, to move things along, because  
8 it's pretty long, at some point after  
9 this deposition -- if you don't mind,  
10 I'm just going to leave a blank in the  
11 transcript and say if you could review  
12 that Amended Complaint after today and  
13 if you see things in there you believe  
14 are incorrect or should be changed, to  
15 put that in the transcript -- fill the  
16 blank in.

17 Is that a fair way to do it?

18 MR. GRANDINETTE: Yes.

19 TO BE FURNISHED: \_\_\_\_\_  
20 \_\_\_\_\_

21 MR. MITCHELL: It is probably  
22 about 300 paragraphs long.

23 MR. GRANDINETTE: That would  
24 be -- just for the record, could I  
25 impose on you, make a suggestion that at

1 Thomas M. Moroughan  
2 the conclusion we just mark your  
3 deposition Defendant County of  
4 Suffolk A?

5 MR. MITCHELL: Yeah, I got a  
6 D.^ check???

7 MR. SCHROEDER: When you say the  
8 deposition, did you mean the --

9 MR. GRANDINETTE: For these  
10 exhibits for this deposition,  
11 Defendants' A, County of Suffolk  
12 Defendants' A --

13 MR. MITCHELL: The County of  
14 Suffolk. Yeah, if you want to call them  
15 that.

16 MR. GRANDINETTE: This way I  
17 think it will be better organized.

18 MR. MITCHELL: Whatever your  
19 pleasure. Or if you guys want to keep  
20 going with different letters after me.

21 But that's fine.

22 We'll call that -- what we have  
23 done so far is we have marked A, what we  
24 will call Suffolk County A; fair enough?

25 MR. GRANDINETTE: Yes.



1 Thomas M. Moroughan

2 MR. MITCHELL: And as we go along

3 I will put that prefix.

4 MR. GRANDINETTE: Off the record.

5 BY MR. MITCHELL:

6 Q Mr. Moroughan, you know what I am  
7 going to do? I am going to direct your  
8 attention to that evening of February 27th,  
9 2011.

10 And I say "that evening." We  
11 mentioned earlier, we can agree, that the  
12 events of the claim happened pretty much after  
13 midnight on February 27th, correct?

14 A Yes.

15 Q Did there come a time that you  
16 came to work on February 26th of 2011?

17 A Yes.

18 Q Around what time was that?

19 A Around 6:00 p.m.

20 Q At that time you were working for  
21 Dobro?

22 A Yes.

23 Q You were driving a taxi for them?

24 A Yes.

25 Q Okay.



1 Thomas M. Moroughan

2 Can you tell me, what kind of a  
3 car were you driving that night?

4 A 2010 Toyota Prius.

5 Q What was your tour or your --  
6 I'll use the word tour.

7 What was your work schedule  
8 supposed to be? 6:00 p.m. to...?

9 A 6:00 a.m.

10 Q And in what area was that -- were  
11 you working for the taxi company?

12 A Town of Huntington.

13 Q Do you remember what night of the  
14 week -- what day or night of the week the 26th  
15 was?

16 A A Saturday.

17 Q And did there come a time when  
18 you were working for Dobro on the 26th that  
19 you went out with the taxi to pick up fares,  
20 that type of thing?

21 A Yes.

22 Q Was anybody with you at that  
23 time?

24 A Originally, or...?

25 Q When you left at 6 was anybody

Thomas M. Moroughan

with you?

A No.

Q Did there come a time somebody was with you in the taxi, other than a fare?

A Yes.

Q Who was that?

A My then girlfriend, now fiancée, Kristie Mondo.

Q How do you spell Ms. Mondo's last name?

A M-O-N-D-O.

Q And how do spell her first name?

A K-R-I-S-T-I-E.

MR. SCHROEDER: Say that one more time?

THE WITNESS: K-R-I-S-T-I-E.

BY MR. MITCHELL:

Q Can you tell me when it was that Ms. Mondo came to be in your car?

A Around 8 p.m.

Q 8 did you say?

A Yes.

Q Did you go pick her up? How did she get in your car?

1 Thomas M. Moroughan

2 A I picked her up from our house.

3 Q You were both living at the same  
4 place?

5 A Yes.

6 Q Where were you living at that  
7 time?

8 A [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED] [REDACTED].

10 Q Same place you live now?

11 A Yes.

12 Q And when you picked her up was  
13 your boss at Dobro aware that she was in the  
14 car?

15 A Yes.

16 Q How long had you been working at  
17 Dobro on February 27, 2011?

18 A Either seven or eight days.

19 Q And had Ms. Mondo been in your  
20 taxicab prior to that at any time?

21 A Yes.

22 Q And on the prior occasions was  
23 your boss aware that she was in the taxicab?

24 A Yes.

25 Q Was this a two- or four-door?

1 Thomas M. Moroughan

2 A Four-door.

3 Q Between 6 and 8 when you picked  
4 up Ms. Mondo, did you pick up any fares?

5 A Yes.

6 Q Do you know about how many?

7 A I believe it was like eight to  
8 ten.

9 Q Oh, between 6 and 8?

10 A Between eight and ten fares.

11 Q Eight and ten fares between  
12 6:00 p.m. and 8:00 p.m. in the evening?

13 A Oh, before I picked her up?

14 Q Yes.

15 A A few. Two, three. Before I  
16 picked her up. Sorry.

17 Q Do you have a recollection of  
18 where you picked those fares up?

19 A No.

20 Q You said it was in the  
21 Huntington, Huntington Station, area?

22 A Yes.

23 Q It was a Saturday evening?

24 A Yes.

25 Q And was it usually a bit of

1 Thomas M. Moroughan

2 traffic at that time?

3 A No.

4 Q That night do you have a  
5 recollection of having traffic that you dealt  
6 with while you were driving the cab?

7 A Not really.

8 Q If you recall, did you have any  
9 experience where you were stopping at red  
10 lights that you thought were more than normal,  
11 or no?

12 A No.

13 Q Do you have a recollection one  
14 way or the other?

15 A Pretty smooth night.

16 Q Between -- let me put it this  
17 way:

18 Did there come a time where you  
19 observed somebody behind you flash their  
20 bright lights or something like that, that  
21 eventually resulted in this claim?

22 A Yes.

23 Q About what time was that?

24 A About 1:10.

25 Q Between the time that you picked

Thomas M. Moroughan

up Ms. Mondo and about 1:10 did you have --  
did you pick up fares throughout that period  
of time?

A Yes.

Q Do you know about how many fares  
you picked up?

A Probably eight to ten.

Q And so it was about eight to ten  
fares between 6:00 p.m. and 8:00 p.m., and  
then between 8 and about 1:10 in the morning,  
similar number?

A No.

Q How many between 8:00 p.m. and  
the 1 o'clock in the morning? About how many  
fares?

A About eight to ten.

Q Okay.

How many fares between  
6:00 p.m. and 8:00 p.m.?

A Around three.

Q When I asked you before I think  
you indicated to me between 6 and  
8:00 p.m. that you picked up eight to ten  
fares.



1 Thomas M. Moroughan

2 Was that a misstatement or you  
3 made a mistake?

4 A I believe that I asked, oh,  
5 before I picked her up? And you said yes.

6 And then I corrected it by saying  
7 like around three fares.

8 Q Okay.

9 So from 6:00 p.m. to  
10 8:00 p.m. about three fares. From 8 p.m. to  
11 about 1 o'clock about eight to ten fares?

12 A Yes.

13 Q And is it fair to say when you  
14 first observed any vehicle that was related to  
15 this event you were going back to Huntington  
16 Station for the purpose of anticipating maybe  
17 getting some more fares; is that right?

18 A No.

19 Q Why were you on the road when you  
20 first saw these cars?

21 A I was heading to a dispatched  
22 fare.

23 Q Did there come a time when you  
24 were heading to the dispatched fare that you  
25 learned that that fare had cancelled?

1 Thomas M. Moroughan

2 A That was in between, after the  
3 initial encounter with the cars in this  
4 matter.

5 Q When you were heading to the  
6 dispatched fare and you first encountered  
7 these vehicles, what street were you on?

8 A I was on New York Avenue and the  
9 corner -- the intersection of West Hills Road.

10 Q Tell me exactly where your  
11 vehicle was and where these other vehicles  
12 were when you first observed them?

13 A I was in the right-hand turn lane  
14 on New York Avenue to go -- southbound, to  
15 make a right onto West Hills Road to go west.

16 And the blue Acura, which is the  
17 first car, was on my side -- was on my side  
18 coming over into my turn lane.

19 Q Okay. Is that when you first  
20 noticed the blue Acura, when it was on your  
21 left?

22 A Yes.

23 Q And was there anything in  
24 particular that drew your attention to it?

25 A Just the fact that he was coming

1 Thomas M. Moroughan

2 over very close to me.

3 Q And when you were in the right  
4 lane were you moving or were you stopped?

5 A I was moving.

6 Q New York Avenue, is that also  
7 Route 110?

8 A Yes.

9 Q Tell me what happened after you  
10 saw the blue Acura on your left. What  
11 happened then?

12 A He cut over in front of me to my  
13 right, and to avoid hitting him I had to -- I  
14 jumped up on the curb, came back down.

15 Q Okay. When you say you jumped up  
16 on the curb, the car physically -- the tires  
17 of the car went up on the curb?

18 A Yes.

19 Q And came back down?

20 A Yes.

21 Q You recall that today?

22 A Yes.

23 Q Okay.

24 Because it was significant?

25 A Yes.

1 Thomas M. Moroughan

2 Q And when you jumped up on the  
3 curb and came back down, what did the blue  
4 car do?

5 A He continued driving.

6 Q In which direction did he drive?

7 A West.

8 Q When you say "west," was he on  
9 New York Avenue?

10 A No, he was -- he was on West  
11 Hills Road.

12 Q When he went onto West Hills  
13 Road, which direction did he turn, left or  
14 right?

15 A Right.

16 Q When he was on West Hills Road  
17 which direction would he be travelling in?

18 A Southwest.

19 Q Now, when your car went up on the  
20 curb and came back down Ms. Mondo was in the  
21 car with you?

22 A Yes.

23 Q And did you say anything at that  
24 point?

25 A I probably said something. Not a

1 Thomas M. Moroughan

2 hundred percent sure.

3 Q When you say you probably said  
4 something, do you know what the nature of what  
5 you said was?

6 A Probably something like that was  
7 close, or something of that nature.

8 Q But it was related to what the  
9 blue car had done?

10 A Yes.

11 Q And when you went up on the curb  
12 and came back down you were on New York  
13 Avenue?

14 A No. Hard to describe.

15 The corner -- it is a -- it is a  
16 soft right, best way to put it. So there's  
17 the curb right there on the right-hand side as  
18 you're making the right-hand turn. And that  
19 is where initial encounter -- where he  
20 originally cut me off.

21 Q So you used the phrase cut you  
22 off. That occurred as you were making the  
23 turn?

24 A Yes.

25 Q Did the blue car actually go from

Thomas M. Moroughan

what would be considered the lane on New York Avenue where you would intend to go straight, did he make a right turn onto -- what's the street you turn on?

A West Hills.

Q -- did he make a right turn onto West Hills from that lane? You follow what I am saying? As opposed to getting in the right-hand turn lane?

A Yes, that is correct.

Q Is there a specific right-hand turn lane on New York Avenue to make that turn onto West Hills?

A Yes, sir.

Q As opposed to just the shoulder  
of the road?

A Yes, sir.

Q           And when he turned onto New  
York -- onto West Hills as you described,  
other than what you said to Ms. Mondo, what,  
if anything else, did you do in relation to  
the conduct of the blue car?

A I flashed my high beams at him.

Q When you flashed your high beams



1 Thomas M. Moroughan

2 did you say anything at that point?

3 A No.

4 Q How many times did you flash your  
5 high beams?

6 A Once.

7 Q After you flashed your high beams  
8 what did you do?

9 A I continued driving.

10 Q And when you continued driving,  
11 can you tell me -- were you still able to  
12 observe the blue car that you saw?

13 A Yes.

14 Q Okay. Can you tell me what it --  
15 can you estimate what the distance was between  
16 the blue car and your car?

17 MR. GRANDINETTE: At what point?

18 BY MR. MITCHELL:

19 Q When you continued driving, when  
20 you made the turn onto West Hills and  
21 continued driving, at that point were you able  
22 to observe the blue car?

23 A Yes.

24 Q At that point were you able to  
25 estimate what the distance was?

1 Thomas M. Moroughan

2 MR. GRANDINETTE: I'll object to  
3 the form of the question.

4 But do the best that you can with  
5 the answer.

6 A Really hard to say. My best  
7 estimate there were probably five or six car  
8 lengths maybe.

9 Q Was the blue car travelling at a  
10 speed -- rate of speed faster than your car,  
11 if you know?

12 A Yes.

13 Q Was it therefore getting further  
14 and further away from you?

15 A Yes.

16 Q When you were on West Hills and  
17 the blue car was travelling as you said, what  
18 happened at that point?

19 A An additional car, which turned  
20 out to be a white Infiniti, came up behind me,  
21 was flashing his high beams, beeping his horn.  
22 I mean, he was tailgating to the point of that  
23 it made me worry and I put on my hazards and I  
24 pulled over to let that car -- I slowed down  
25 and pulled to the side to let that car go

Thomas M. Moroughan

past.

Q When you say that the car was a white car, at that point did you know it was a white car?

A Yes.

Q When the car was behind you did you know it was a white car?

A Yes.

Q Okay.  
You said it was flashing his high beams?

A Yes.

Q Honking his horn?

A Yes.

Q You described to me that you made a right onto West Hills Road?

A Yes.

Q Then you were traveling in a western direction?

A Southwest.

Q Again, can you estimate, from the time that you -- when you first saw the white car behind you, about how far along West Hills Road had you traveled?

1 Thomas M. Moroughan

2 A Not very far. It was probably  
3 seconds after I made the turn.

4 Q Can you estimate, if you can --  
5 actually, I should take a step back.

6 Do you know how far -- you  
7 mentioned to me you put your hazards on, you  
8 pulled over. Do you know about how far down  
9 West Hills Road you were when you did that?

10 A I was in front of the lumberyard.  
11 So I'd probably say it was about -- I know it  
12 was between 5th and 7th Avenues -- 5th and 6th  
13 Avenues. It is really hard to say. Maybe a  
14 tenth of a mile.

15 Q Prior to pulling over you  
16 mentioned that this car, the one that was  
17 behind you, you used the phrase tailgating  
18 you?

19 A Yes.

20 Q And when the car was tailgating  
21 you did you say anything to Ms. Mondo?

22 A No.

23 Q You didn't say anything to her at  
24 all?

25 A I don't believe so.

1 Thomas M. Moroughan

2 Q Did you make any expressions, did  
3 you do anything that would outwardly show  
4 your -- the way you felt at the time?

5 A Probably beside pulling over, no.

6 Q Did you give anybody the finger  
7 or anything like that?

8 A No.

9 Q Were you -- at the time that the  
10 car was tailgating you were you angry?

11 A No. I was worried.

12 Q Did you ever hear the phrase  
13 pissed off?

14 A Yes.

15 Q Were you pissed off?

16 A No.

17 Q You did mention the car was  
18 tailgating you, right?

19 A Yes.

20 Q You did mention the car was  
21 flashing his brights?

22 A Yes.

23 Q Came so close to you that you  
24 actually felt it necessary to put your hazards  
25 on and pull over, right?

1 Thomas M. Moroughan

2 A Yes.

3 Q Prior to this the blue car had  
4 come past you in a way that caused you to  
5 flash your brights at the blue car, correct?

6 A Yes.

7 Q And at the time when the blue  
8 car -- excuse me, when the white car was  
9 behind you as you described, having honked his  
10 horn, flashed his brights, led you to the  
11 point where you felt you had to put your  
12 hazards on, pull over, at that time you were  
13 worried, but not pissed off?

14 A Yes.

15 Q After you pulled over as you  
16 mentioned, what did the car behind you do?

17 A He went around me.

18 Q When you say went around you,  
19 when you pulled over could he continue  
20 straight or was it when you pulled over he  
21 went out to the left a little bit?

22 Do you know what I am saying?

23 A He went out to the left a little  
24 bit to go around me on my left-hand side.

25 Q Did you wave him on at all?



1 Thomas M. Moroughan

2 A No.

3 Q Now, prior to pulling over, can  
4 you tell me how you were driving your vehicle?  
5 In other words, prior to pulling over with the  
6 white car behind you, what, if anything, did  
7 you do with your vehicle as far as driving  
8 your vehicle?

9 Did you remain the same speed as  
10 normal? Did you speed up? Did you do  
11 anything to try and get away from the white  
12 car?

13 A Probably remained at the same  
14 speed.

15 Q Did you slow down at all?

16 A Not until I put on my hazards and  
17 let him go around me.

18 Q You didn't slow down purposely  
19 to -- in relation to the white car behind you?

20 A No.

21 Q Now, you say you put your hazards  
22 on and the white car went around you.  
23 Correct?

24 A Yes.

25 Q Can you tell me, when you pulled